

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

1. PROTECTIVE LIFE)
INSURANCE COMPANY;)
2. THE LINCOLN NATIONAL LIFE)
INSURANCE COMPANY;)
3. CANADA LIFE ASSURANCE)
COMPANY;)
4. EMPOWER ANNUITY)
INSURANCE COMPANY OF)
AMERICA; and)
5. STANDARD INSURANCE)
COMPANY,)
)
Interpleader Plaintiffs,)
)
v.)
)
1. SDM HOLDINGS, LLC, an)
Oklahoma Limited Liability Company;)
and)
2. SDM HOLDINGS, LLC, a)
Connecticut Limited Liability Company,)
)
)
Interpleader Defendants.)

**AFFIDAVIT OF AMY SHERRY FISCHER IN SUPPORT OF INTERPLEADER
PLAINTIFFS' REQUEST FOR CLERK'S ENTRY OF DEFAULT**

STATE OF OKLAHOMA)
) S.:
COUNTY OF OKLAHOMA)

Personally appearing before me, the undersigned officer duly authorized to administer oaths, is Amy Sherry Fischer who, after being duly sworn, deposes and says:

1. I am an attorney and partner with Foliart, Huff, Ottaway & Bottom, and I am duly admitted to practice law in the United States District Court for the Western District of Oklahoma. I am counsel of record for Interpleader Plaintiffs Protective Life Insurance Company, The Lincoln National Life Insurance Company, Canada Life Assurance Company, Empower Annuity Insurance Company of America, and Standard Insurance Company (collectively, the “Interpleader Plaintiffs”) in the above-captioned lawsuit. I have personal knowledge of the facts set forth herein, I am over twenty-one years of age, and I am competent to give this Affidavit. I make this Affidavit for any lawful use or purpose, including in support of Interpleader Plaintiffs’ Request for Clerk’s Entry of Default Against SDM Holdings, LLC, a Connecticut limited liability company (“SDM-Connecticut”).

2. On June 25, 2024, Interpleader Plaintiffs initiated this action against SDM-Connecticut and SDM Holdings, LLC, an Oklahoma limited liability company (defined as “SDM-Oklahoma” in the Interpleader Complaint). (ECF Doc. 1).

3. SDM-Connecticut’s registered agent is Robert B. Cox, Halloran & Sage, LLP, One Goodwin Square, 225 Asylum Street, Hartford, Connecticut 06103. Attached hereto as Exhibit “A” is a true and correct copy of SDM-Connecticut’s business profile from the Connecticut Secretary of State’s website reflecting the same.

4. SDM-Connecticut’s registered agent was served with the Summons and Complaint via Certified Mail on July 3, 2024. (ECF Doc. 5).

5. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), SDM-Connecticut’s responsive pleading was due on or before July 24, 2024.

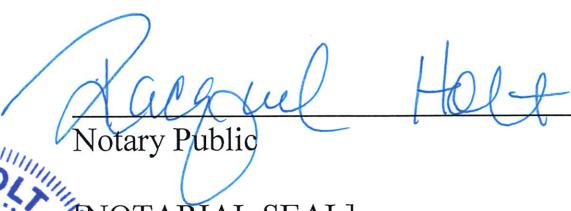
6. As of the filing of Interpleader Plaintiffs' Request for Clerk's Entry of Default, no answer, appearance, or other response has been filed or served by SDM-Connecticut.

7. SDM-Connecticut is a limited liability company and is not an individual. *See* Exhibit A. As such, SDM-Connecticut is not (and cannot be) an infant, an incompetent person, or a person on active duty status with the military. Upon further information and belief, I state that SDM-Connecticut's registered agent, Robert B. Cox, is over the age of eighteen, he is not legally incompetent, and he is not on active duty status with the military.

FURTHER AFFIANT SAYETH NOT.


Amy Sherry Fischer, Affiant

SUBSCRIBED AND SWORN OR AFFIRMED before me on the 31th day of July, 2024 by Affiant Amy Sherry Fischer.


Racquel Holt
Notary Public
[NOTARIAL SEAL]
23001561
EXP. 02/01/27
STATE OF OKLAHOMA
My Commission Expires: 2/1/2027